


lower district court decision, “‘The Fourth Circuit has neither announced a preferred method for determining the reasonableness of attorneys’ fees in common fund class actions nor identified factors for district courts to apply when using the percentage method.’” Id. (quoting Jones v. Dominion Res. Servs., Inc., 601 F. Supp. 2d 756, 760 (S.D. W. Va. 2009)).

In light of this authority, the Court finds helpful decisions where courts in this Circuit “will review the lodestar method to serve as a ‘cross-check’ to ensure that the percentage award is fair and reasonable.” Kruger v. Novant Health, Inc., No. 1:14CV208, 2016 WL 6769066, at *4 (M.D.N.C. Sept. 29, 2016) (cleaned up; collecting cases); see also Donaldson v. Primary Residential Mortg., Inc., Civ. No. ELH-19-1175, 2021 WL 2187013, at *8 (D. Md. May 28, 2021) (“Courts in this circuit generally use a percentage of recovery method and supplement it with the lodestar method as a cross-check.”).

Here, counsel seeks a percentage-of-recovery award of one-third of the settlement fund; however, the materials before the Court do not provide any information to allow the Court to “cross-check” that award using the lodestar method. Accordingly, the Court ORDERS Plaintiffs’ counsel to supplement their motion with additional argument and evidence to allow the Court to consider the reasonableness of the attorneys’ fees sought in this case. Supplemental briefing must be filed no later than January 31, 2024.

IT IS SO ORDERED.

Signed: January 22, 2024


Frank D. Whitney
United States District Judge